

REMARKS

The present paper cancels claims 1-17 and replaces them with new claims 18-26. This method of amendment was chosen for its editorial simplicity.

By this amendment:

- 1) reference to a “prodrug” is deleted;
- 2) the definitions of Ar¹ and Ar² are amended to be as defined in the specification at page 11, line 3 to page 12, line 4;
- 3) the ring Z is specified as a substituted pyrrole (2);
- 4) remaining groups and substituents are as described at page 11, line 6 to page 20, line 15 of the specification.

Thus, no new matter is added by any amendment.

Rejection under 35 USC § 112, first paragraph

Claims 1-9, 11, 13-14 and 17 stand rejected under 35 USC § 112, first paragraph for alleged lack of enabling disclosure. In particular, the Examiner alleges that the term “prodrug” is not enabled, and further that the scope of the compounds encompassed by the claims is far greater than the scope of enablement provided by the specification.

Applicants strongly disagree with the Examiner’s assertions. While the Examiner has provided at least some explanation for his objection to the term “prodrug”, the Examiner’s position on enablement of the scope of the claims with respect to the fundamental structure of the compounds encompassed is presented merely as a conclusion, without any supporting reasoning or evidence.

Nonetheless, solely to advance the prosecution of the present claims, Applicants have amended the claims so as to reduce their scope to that deemed enabled by the Examiner, with the exception that the ring Z includes in its definition that it may be a 1,3 substituted pyrrole in

addition to being a 1,2 substituted pyrrole. The embodiment of a 1,3 substituted pyrrole is disclosed in Example 51, at page 107 of the present specification and intermediates thereof are set forth in Reference Examples 6-1 to 6-3 at page 46, line 2 to page 47, line 9 of the specification. Thus, one of ordinary skill in the art is well-enabled to make these embodiments of the invention.

Applicants reserve the right to file an application directed to the subject matter canceled from the present application pursuant to 35 USC § 120.

The sole issue precluding allowance of the claims has been addressed as explained above. Accordingly, withdrawal of the standing rejections and prompt allowance of the now-pending claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark J. Nuell, Ph.D. (Reg. No. 36,623) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: February 13, 2008

Respectfully submitted,

By Mark J. Nuell
Mark J. Nuell, Ph.D.
Registration No.: 36,623
BIRCH, STEWART, KOLASCH & BIRCH, LLP
12770 High Bluff Drive – ste 260
San Diego, CA 92130
858-792-8855
Attorney for Applicant